	Application No.	Applicant(s)	
	10/042,066	AUSUBEL ET AL.	
Notice of Allowability	Examiner	Art Unit	П
	Scott D. Priebe	1632	
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in th or other appropriate communic GHTS. This application is sub	s application. If not included ation will be mailed in due course. THIS	•
1. This communication is responsive to the reply of 22 Nov. 2	<u>0004</u> .		
2. The allowed claim(s) is/are <u>1-22</u> .			
3. $igotimes$ The drawings filed on <u>27 February 2004</u> are accepted by the	ne Examiner.		
4. Acknowledgment is made of a claim for foreign priority unall All b) Some* c) None of the: 1. Certified copies of the priority documents have 2. Certified copies of the priority documents have 3. Copies of the certified copies of the priority documents have International Bureau (PCT Rule 17.2(a)). * Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give 6. CORRECTED DRAWINGS (as "replacement sheets") must (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No./Mail Date (b) including changes required by the attached Examiner's Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1 each sheet. Replacement sheet(s) should be labeled as such in time.	e been received. been received in Application Notuments have been received in of this communication to file a second sec	this national stage application from the reply complying with the requirements NER'S AMENDMENT or NOTICE OF claration is deficient. PTO-948) attached the Office action of rawings in the front (not the back) of .121(d). AL must be submitted. Note the	
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	6. ☐ Interview Sum. Paper No./Ma 98), 7. ☑ Examiner's An	il Date	

Application/Control Number: 10/042,066

Art Unit: 1632

EXAMINER'S AMENDMENT

The Examiner charged with examination of your application has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Primary Examiner Scott D. Priebe, Ph.D., Group Art Unit 1632.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The following has been inserted immediately following the title and before line 7 on page 1 of the specification:

This application is a continuation-in-part of U.S. application number 09/827,789 filed on April 6, 2001, which in turn claims benefit of U.S. provisional application 60/195,097, filed on April 6, 2000. --

Lines 12-14 on page 1 have been deleted.

Claims 23-86 have been cancelled. These claims are directed to inventions non-elected without traverse in the reply filed 27 May 2003.

Application/Control Number: 10/042,066

Art Unit: 1632

EXAMINER'S REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Applicant's arguments in reply to the rejection under 35 USC 101 are convincing and the rejection has been withdrawn. It is noted by the Examiner that the utility of using nematodes as a model system for studying host-pathogen interaction in general, and in particular the genetic basis for such interaction, had been established prior to the filing of the instant application. The relevance of this model system for gaining insight into pathogenesis in other organisms, such as mammals, had also been previously recognized. For example, Tan et al., Proc. Natl. Acad. Sci. USA 96: 715-720, 1999 (see PTO-1449 of 27 Feb. 2004), had shown that many of genes responsible for mediating pathogenesis of Pseudomonas aeruginosa infection in nematodes were also responsible for mediating pathogenesis in plants and mammals. Consequently, it is to be expected that at least some host genes whose products mediate host defense or are exploited by a pathogen would be homologous. Applicant's invention is directed to the other side of the equation, and provides tools, i.e. susceptible mutant nematodes, for studying host genes that are involved in host defense against pathogens, and provides for a more sensitive means, i.e. the mutant nematodes, for identifying compounds that may bolster host defenses against pathogens. The identity of the host gene(s) need not be known for the latter use.

Withdrawn claims 12-22 have been rejoined with the elected claims 1-11, and are allowed. Claims 12-22 require the originally elected method as preliminary steps, and thus are also free of the prior art of record. The use of the invention of claims 12-22 in the identification of nematode genes that are involved in mediating host defenses against pathogens is deemed to be useful in its own right as a tool for studying the basis of host-pathogen interaction in general,

Application/Control Number: 10/042,066

Art Unit: 1632

not just in nematodes, which is similar to the situation in *In re Folkers*; and extends the utility of the invention of claims 1-11 due to the additional knowledge it would provide. This additional information would help focus future investigation on compounds for bolstering a host's innate defense against pathogens.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott D. Priebe whose telephone number is (571) 272-0733. The examiner can normally be reached on M-F, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy J. Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott D. Priebe Primary Examiner

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Art Unit 1632